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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/757,222

01/14/2004

John David Kaewell JR.

1-1-0064.5US

3792

24374 7590 05/30/2008

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EXAMINER

CHEN, JUNPENG

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

05/30/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/757,222	KAEWELL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	JUNPENG CHEN	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/28/04 &amp; 01/25/07</u> .                                 | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in response to applicant's amendment/arguments filed on 01/28/2008. Independent claims 1 and 5 have been amended. Claims 3, 4, 7 and 8 have been cancelled. Currently, claims 1, 2, 5 and 6 are pending. **This action is made FINAL.**

### ***Response to Arguments***

2. Applicant's arguments with respect to amended independent claims 1 and 5 have been considered but are moot in view of the new ground(s) of rejection.

### ***Information Disclosure Statement***

3. The information disclosure statement submitted on 04/28/2004 and 01/25/2007 have been considered by the Examiner and made of record in the application file.

### ***Specification***

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 2, 5 and 6** are rejected under 35 U.S.C. 102(e) as being anticipated by **Raith et al. (U.S. Patent 5,603,081)**.

Consider **claim 1**, Raith discloses a method for conserving power in a subscriber unit in a wireless communication system, comprising: dividing a common channel into a plurality of recurring timeslots (read as timeslots 1-6, Figure 3, line 25-39 of column 8); choosing an assigned timeslot from one of said plurality of recurring timeslots for transmission of messages to said subscriber unit (read as timeslot slot 3); reducing power consumption in a first mode processing in said subscriber unit during at least one timeslot other than said assigned timeslot (read as the receive mode during receive slot), wherein the subscriber unit is configured to use a plurality of modes having reduced power consumption and wherein each of the plurality of modes includes an associated at least one component being activated or deactivated, thereby conserving power in said subscriber unit (read as transmits (or receives) in a fraction of the time (one third for full rate and one sixth for half rate) and is switched off to save power the rest of the time, that is, the hold for mode, the transmit mode and the receive mode, Figure 3, line 25-39 of column 8).

Consider **claim 2, as applied to claim 1 above**, Raith discloses wherein said wireless communication system is a TDMA system (read as TDMA cellular system, line 25 of column 8).

Consider **claim 5**, Raith discloses a subscriber station in a wireless communication systems receiving messages in an assigned timeslot of a common channel, comprising: a receiver configured to monitor said timeslot to receive said messages (read as mobile station performs receiving in slot 3, Figure 3, line 25-39 of column 8); a digital signal processor configured to process said messages (read as the inherently existing DSP for processing the received messages/signals); and, power conservation circuitry configured to reduce power consumption in a first mode processing in said subscriber unit during at least one timeslot other than said assigned timeslot (read as the receive mode during receive slot), wherein the subscriber unit is configured to use a plurality of modes having reduced power consumption and wherein each of the plurality of modes includes an associated at least one component being activated or deactivated, thereby conserving power in said subscriber unit (read as transmits (or receives) in a fraction of the time (one third for full rate and one sixth for half rate) and is switched off to save power the rest of the time, that is, the hold for mode, the transmit mode and the receive mode, Figure 3, line 25-39 of column 8).

Consider **claim 6, as applied to claim 5 above**, Raith discloses wherein said wireless communication system is a TDMA system (read as TDMA cellular system, line 25 of column 8).

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Junpeng Chen whose telephone number is (571) 270-1112. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Junpeng Chen  
J.C./jc

/Edward Urban/

Supervisory Patent Examiner, Art Unit 2618